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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

TERRI KWAKE, an individual and citizen
of the State of Oregon,

Plaintiff,

v.

SELECT PORTFOLIO SERVICING, INC.,
a Utah Corporation,

Defendant.

Case No. 6:15-cv-01713-MC

**DECLARATION OF JESSICA REYES IN
SUPPORT OF BANK OF AMERICA,
N.A.'S REPLY TO SELECT PORTFOLIO
SERVICING, INC.'S RESPONSE TO
BANK OF AMERICA, N.A.'S MOTION
TO QUASH**

I, Jessica Reyes, hereby state and declare as follows:

1. I am an Assistant Vice President and Senior Paralegal at Bank of America, N.A ("BANA"), which is a third-party intervenor in the above-captioned case. I have personal knowledge of the facts set forth below, and, if called upon, I could and would testify to the truth of the following.

2. Select Portfolio Servicing, Inc. ("SPS") first emailed me on December 27, 2016, to inquire whether it was possible for BANA to provide a witness to testify at trial in this case. Before this email, I was not aware that SPS wanted or expected BANA to provide testimony at trial. And because the email was unclear as to what exactly SPS wanted testimony on, I immediately responded and asked for more details on the scope of testimony that SPS was looking for. *See* D.E. 122-1.

3. For the next two weeks, I inquired into whether it was possible for BANA to

provide a witness to testify at trial. On January 17, 2017, SPS asked for a status update, to which I responded that BANA was “still trying to identify someone who may be able to speak about the limited topics we discussed. As I’m sure you know, the NMS program was sunset so locating someone at the Bank with any knowledge related to the issues we discussed has been difficult.” D.E. 122-3.

4. On February 9, 2017, I informed SPS that BANA was “still actively looking into [SPS’s] request. . . . [W]e do have some concerns about the topics listed in the subpoena which we are still evaluating.” D.E. 122-4. I indicated that BANA was making “every effort to respond as quickly as possible.” D.E. 122-4.


5. Not once did I inform SPS that BANA would agree to provide a witness to testify at trial. Indeed, throughout our discussions, I made clear that we had concerns about the topics of testimony that SPS was seeking, and that identifying a witness was very difficult and potentially not possible.

6. In response to SPS’s subpoena, I attempted to identify a potential witness and learned that BANA has no witness who lives, works, or regularly transacts business in person in Oregon who directly serviced Plaintiff’s loans or has any knowledge that is relevant to this case.

7. Further, I also learned that BANA has no witness who lives, works, or regularly transacts business in person in Oregon who manages BANA’s subservicing process, and that individuals who manage BANA’s subservicing process are located in California, Illinois, and Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 17, 2017 in San Jose, California.


Jessica Reyes

CERTIFICATE OF SERVICE

I certify that on this 17th day of February, 2017, the foregoing **DECLARATION OF JESSICA REYES IN SUPPORT OF BANK OF AMERICA, N.A.'S REPLY TO SELECT PORTFOLIO SERVICING, INC.'S RESPONSE TO BANK OF AMERICA, N.A.'S MOTION TO QUASH** will be served in accordance with the Court's CM/ECF system which will send notification of such filing by notice via email to the ECF participants of record a true copy of the foregoing document.

KILMER VOORHEES & LAURICK, P.C.

/s/ James P. Laurick

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